

Exhibit A

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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

ESVIN FERNANDO ARREDONDO
RODRIGUEZ INDIVIDUALLY AND
A.F.A.J., A MINOR, BY HER GUARDIAN
AD LITEM, JEFFREY HAMILTON,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No.: CV 22-02845-JLS-JC

**DECLARATION OF JULIA C.
DUKE IN SUPPORT OF
PLAINTIFFS' REPORT ON
DISCOVERY ORDERS IN
FAMILY SEPARATION CASES**

Next Hearing Date: Nov. 21, 2023
Time: 10:30 AM

1 I, Julia C. Duke, declare:

2 1. I am an attorney licensed to practice law in Washington, D.C. and New
3 York State. I am admitted to practice before this Court *pro hac vice*. I am an
4 associate at Milbank LLP, and I am counsel for Plaintiffs Esvin Fernando
5 Arredondo Rodriguez and his minor daughter, A.F.A.J., (“Plaintiffs”) in the above
6 referenced matter.

7 2. I respectfully submit this declaration in support of Plaintiffs’ Report on
8 Discovery Orders in Family Separation Cases. On October 31, 2023, the Court held
9 a hearing on Plaintiffs’ Motion for Document Production. ECF No. 63. At that
10 hearing, the Court ordered Plaintiffs, by not later than November 9, 2023, to (a)
11 review the dockets of the approximately forty (40) “Family Separation Cases”¹
12

13 ¹ *A.E.S.E. v. United States*, No. 2:23-cv-00569 (D.N.M.); *P. v United States*, No.
14 1:21-cv-00780-DAD-EPG (E.D. Cal.); *Aguilar Morales v. United States*, No. 3:23-
15 cv-00247-KC (W.D.Tex.); *A.I.I.L. v. Sessions*, No. 4:19-cv-00481 (D.Ariz.);
16 *Gonzales de Zuniga v. United States*, No. 2:23-cv-00162-KRS-JHR (D.N.M.);
17 *B.A.D.J. v. United States*, No. 2:21-cv-00215 (D.Ariz.); *E.C.B. v. United States*, No.
18 2:22-cv-00915 (D.Ariz.); *E.S.M. v. United States*, No. 4:21-cv-00029 (D.Ariz.); *F.R.*
19 *v. United States*, No. 2:21-cv-00339 (D.Ariz.); *J.P. v. United States*, No. 2:22-cv-
20 00683 (D.Ariz.); *M.S.E. v. United States*, No. 2:22-cv-01242 (D.Ariz.); *Fuentes-*
21 *Ortega v. United States*, No. 2:22-cv-00449 (D.Ariz.); *B.Y.C.C. v. United States*, No.
22 3:22-cv-06586 (D.N.J.); *J.A.L.C. v. United States*, No. 3:22-cv-06587 (D.N.J.);
23 *J.A.L.C. v. United States*, No. 3:22-cv-06587 (D.N.J.); *R.J.P. v. United States*, No.
24 3:22-cv-06588 (D.N.J.); *Caal v. United States*, No. 1:23-cv-00598 (N.D.Ill.); *C.D.A.*
25 *v. United States*, No. 5:21-cv-00469 (E.D.Pa.); *C.M.-D.V. v. United States*, No. 5:21-
26 cv-00234 (W.D.Tex.); *D.A. v. United States*, No. 3:22-cv-00295 (W.D.Tex.); *W.P.V.*
27 *v. United States*, No. 3:23-cv-00074-DCG (W.D.Tex.); *J.R.G. v. United States*, No.
28 4:22-cv-05183 (N.D.Cal.); *P.G. v. United States*, No. 4:21-cv-04457 (N.D.Cal.); *I.T.*
v. United States, No. 4:22-cv-05333 (N.D.Cal.); *D.J.C.V. v. United States*, No. 1:20-
cv-05747 (S.D.N.Y.); *E.L.A. v. United States*, No. 2:20-cv-01524 (W.D.Wash.);
S.M.F. v. United States of America, No. 2:22-cv-01193 (W.D.Wash); *K.O. v. United*
States, No. 4:20-cv-12015 (D.Mass.); *Leticia v. United States*, No. 1:22-cv-07527
(E.D.N.Y.); *F.C.C. v. United States*, No. 2:22-cv-05057 (E.D.N.Y.); *Benitez v.*
Miller, No. 3:22-cv-00884 (D. Conn.); *R.Y.M.R. v. United States*, No. 1:20-cv-
23598 (S.D.Fla.); *M.A.N.H. v. United States*, No. 5:23-cv-00372 (C.D.Cal.);

1 (see ECF No. 64 at n.3); (b) identify any discovery orders requiring or declining to
2 require the production of non-plaintiff specific discovery beyond the “common
3 discovery,” as that term has been used by Defendant in this case; (c) prepare a chart
4 or list including the case name and number of each such case, the docket number of
5 any such order, and a description of any such discovery referenced in any such
6 order; and (d) file and serve Defendant with a copy of such chart or list. ECF No.
7 81.

8 3. The Court ordered Defendant, by not later than November 17, 2023, to
9 (a) seek from other federal government attorneys assigned to the approximately forty
10 (40) “Family Separation Cases,” information regarding what, if any, non-plaintiff
11 specific discovery beyond the “common discovery,” as that term has been defined
12 by Defendant, has been produced—voluntarily or otherwise—in such cases; (b)
13 prepare a chart or list including the case name or number of each such case,
14 specifying whether or not any such additional non-plaintiff specific discovery has
15 been produced voluntarily or ordered (if the former, so specifying; if the latter, so
16 specifying and including the docket number of the order), and describing the
17 discovery produced or ordered produced; and (c) file and serve Plaintiffs with a copy
18 of such chart or list. ECF No. 81.

19 4. As ordered by the Court, Plaintiffs provide a chart identifying
20 discovery orders requiring or declining to require Defendant to produce non-plaintiff
21 specific discovery beyond the “common discovery,” as the term has been defined by
22 Defendant. See ECF No. 81. The chart is attached hereto as **Exhibit 1**, as ordered
23 by the Court.

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25
26 *J.P./M.A. v. United States*, No. 23-cv-01136 (C.D.Ill.); *J.J.P.B. v. United States*, No.
27 7:23-cv-00133 (S.D.Tex.); *M.M.C. v. United States*, No. 1:23-cv-00158-WES
28 (D.R.I.); *N.R. v. United States*, No. 4:23-cv-00201-JR (D.Ariz.); *P.C.J. v. United States*, No. 2:23-cv-00780-DJH (D.Ariz.).

5. For the purpose of creating a chart compliant with the Court’s Order, Plaintiffs reviewed the dockets of the Family Separation cases identified in the Joint Stipulation Regarding Discovery Dispute Over Document Production. *See* ECF No. 64 at n.3. It is noteworthy that 11 of the Family Separation cases are not yet in the discovery stage. Plaintiffs identified any discovery orders requiring or declining to require Defendant to produce non-plaintiff specific discovery beyond the “common discovery,” as the term has been defined by Defendant.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 9th day of November 2023 in Washington, D.C.

Respectfully Submitted,

By: /s/ Julia C. Duke
Julia C. Duke (*pro hac vice*)
Attorney for Plaintiffs